

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GRACIELA DONCOUSE,

Plaintiff,

-against-

WHALEBONE PROJECT, LLC, GILMAN  
MANAGEMENT CORP., *and* GHS, LLC,

Defendants.

**ORDER**

22-cv-7541 (ER)

The instant case was filed on September 2, 2022 (Doc. 1), and Plaintiff amended her complaint on February 6, 2023 (Doc. 14). Defendants Gilman Management Corp. (“Gilman”) and GHS, LLC (“GHS”) answered on June 6, 2023, and crossclaimed against Whalebone Project, LLC (“Whalebone”). Doc. 34. Whalebone has not answered.

On August 18, 2023, the Court entered a discovery plan and scheduling order. Doc. 38. The same day, the Court also referred this case to mediation. Doc. 39.

On September 20, 2023, the Court held an order to show cause hearing on Plaintiff’s motion for default judgment against Whalebone, but the Court declined to issue default judgment at that time, as Whalebone’s principal appeared at the hearing and represented that Whalebone would participate fully in the litigation.

On October 10, 2023, the mediator reported that the “[C]ourt-ordered mediation in this case was not held as one or both parties failed, refused to attend, or refused to participate in the mediation.” Doc. 45.

On October 13, 2023, Plaintiff requested a conference on the basis that Gilman and GHS have failed to respond to any of Plaintiff’s requests for discovery or serve their own demands, even though deadlines in the Court’s discovery order had passed. Doc. 46.

On November 1, 2023, Plaintiff submitted a status update that, despite its attempts to contact Defendants, Defendants have been unresponsive, and the case is no closer to resolution. Doc. 47. Plaintiff therefore renewed her request for a conference concerning the ongoing discovery issues with respect to Gilman and GHS, and she also stated her intent to pursue default judgment against Whalebone.

In light of the foregoing, the parties are directed to appear on November 27, 2023 at 3:30 PM before the Honorable Edgardo Ramos in Courtroom 619 of the United States Courthouse, 40 Foley Square, New York, NY, for a hearing on these issues.

SO ORDERED.

Dated: November 6, 2023  
New York, New York



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Edgardo Ramos, U.S.D.J.